

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
BRANDON McFADDEN,

Plaintiff,

**MEMORANDUM AND ORDER**

-against-

16-CV-2824 (RRM) (RML)

STATE OF NYC, RIKERS ISLAND,  
WARDEN MINGO, and NYC DEPARTMENT  
OF CORRECTIONS,

Defendants.

-----X  
ROSLYNN R. MAUSKOPF, United States District Judge.

On May 11, 2016, plaintiff *pro se* Brandon McFadden filed the above-captioned complaint, which was received by the Court on May 31, 2016. McFadden alleges that items in the commissary are being sold at false prices and that the Department of Corrections failed to provide him with medical treatment for an allergic reaction to deodorant. McFadden's submission included a request to proceed *in forma pauperis*, but did not enclose the Prisoner Authorization form required by the Prisoner Litigation Reform Act ("PLRA"). By letter dated June 2, 2016 and mailed June 3, 2016, McFadden was provided with the proper form and was instructed that, in order to proceed, he must return the completed PLRA form within fourteen days from the date of the letter. More than fourteen days have elapsed, and McFadden has failed to submit the requisite form.

On June 15, 2016, the Court's letter was returned with the notation "Return to Sender." (Doc. No. 5.) A search of the Inmate Lookup database at the New York City Department of Correction, which administers the Rikers Island facility where McFadden was housed at the time he filed the complaint, returned no results. INMATE LOOKUP SERVICE, <http://a073-ils->

web.nyc.gov/inmatellookup/pages/common/find.jsf (last visited June 21, 2016). McFadden has not provided a forwarding address, as required.

Because McFadden has not contacted the Court and the Court has no way of contacting McFadden, the action is dismissed without prejudice for failure to prosecute. *See Dong v. United States*, No. 02-CV-7751 (SAS), 2004 WL 385117, at \*3 (S.D.N.Y. Mar. 2, 2004) (dismissing for failure to prosecute where plaintiff failed to notify the Court of his address and the Court was unable to contact plaintiff).

The Clerk of Court is directed to mail a copy of this Memorandum and Order, and the accompanying Judgment, to McFadden's last known address.

SO ORDERED.

*Roslynn R. Mauskopf*

---

ROSLYNN R. MAUSKOPF  
United States District Judge

Dated: Brooklyn, New York  
June 29, 2016